

THE DIVORCE GRANTED

JOSEPHINE HENDERSON RELEASED FROM MARRIAGE TIES.

The Circumstances of a Hasty Wedding Recalled—The Trust Company Case Ruling.

Judge Allen, of the Circuit Court, yesterday granted Josephine Henderson a divorce from her husband, George Henderson. She was married to Henderson several months ago and deserted him. At the time it was said that Henderson married her to spite another girl, who had jilted him. George Henderson, a divorcee, was on the stand and told about Henderson getting the license. He said Henderson and the girl came to the office and he asked the girl to stand on the outside while he spoke to the clerk. The girl stood in the hallway and Henderson asked for the license. Fate said Henderson stated that he only wanted the license to scare another girl and that he did not intend to marry her. He also requested that he be kept out of the newspapers, and said he would return the license the next day. Fate told him he could not take it back and also that he could not keep the matter from the newspapers. At this, he said, Henderson became angry. The girl finally grew tired of waiting in the hallway, Fate said, and made for the door and asked Henderson to give her the license. The license was then given and the couple was married a few minutes later by a justice of the peace and left the city. Henderson deserted his wife and left the city. The girl is a daughter of a blacksmith in Broad Ripple and her family is highly respected.

COMPLICATED GUARDIANSHIP.

Probate Commissioner Walker Succeeds in Straightening It Out.

Probate Commissioner Walker spent the entire forenoon yesterday listening to the hearing details of a complicated family matter. The case was a hearing on a petition for the removal of the guardian of Bertha Lovell. The ward has a twin sister, and when a former guardian resigned some time ago and their mother assumed the guardianship they declined to have her act in that capacity when they became sixteen years of age. Bertha Lovell succeeded in having her sister-in-law appointed and her twin sister was married. Bertha left home, she said, because her mother drank and she did not want to "company" to see her in her home surroundings. She secured a position in a telephone office, and charged that her mother came to the office, drew her salary and spent it for drink. The mother said she was a drunkard. She said her daughter was asked to drink with them, but that she refused. The troubles of several families were aired before the testimony was finished, as there were several witnesses who had been married several times and who had remarried different parties. Judge Walker finally untangled the matter by having a blank resignation of the guardian filed, and as soon as any complaint is made and it is found to be true, the resignation will be effective.

MUST FILE A BOND.

The Law Applies to Trust Companies the Same as Individuals.

Judge Allen, of the Circuit Court, yesterday decided that a trust company must file a bond as administrator or guardian when the sale of real estate is involved. This sustains Probate Commissioner Walker in his ruling. Judge Allen held that the trust company act merely modified the law as applied to administrators and guardians in that they were not required to give bond to assume the trust, but that when they were in possession of property they were amenable to the act the same as individuals. The trust companies will likely bring the matter before the Supreme Court in another case, as an immediate sale is required in the case just decided. Judge Allen would like to see a case carried to the higher court.

James L. Sharkey's Suit.

James L. Sharkey yesterday brought suit against the L. D. & W. Railway Company for \$50,000 damages. He alleges that he was injured in a collision at Montezuma Sept. 28, 1899. He says he was particularly injured about the legs and that he now has to walk on crutches. He says he was pinned down in an overturned coach when the gas tanks broke and he inhaled the fumes of the gas. He says that the gas ignited and the horror of being burned alive gave him such a nervous shock that he has never recovered. He says he has spent \$2,000 for medical treatment, but that he will be disabled for life. Sharkey avers that he was traveling on the L. D. & W. Railway, and that he is now totally incapacitated for work.

THE COURT RECORD.

APPELLATE COURT.

—Minutes—

9079. Clara R. Oliver vs. William Hubbard. Marion C. C. Appellant's brief (3). 9080. Riley R. Gadsby vs. Ohio and Indiana Consolidated Gas Company. Blackford C. C. Appellant's brief (3). 9081. Daniel Baughman vs. Genevieve Arnold. Dearborn C. C. Appellant's brief (3). 9082. Hezekiah Drake vs. Peter Biddinger. Fulton C. C. Appellant's request for oral argument.

CIRCUIT COURT.

—Minutes—

Benjamin F. Rhodes vs. Plaintiff. Costs paid. Kathie Dobson (or Free) vs. Bernard H. H. Dobson. To annul marriage. Defendant defaulted. Submitted to court. Evidence heard. Plaintiff given custody of child, Verma E. Judgment against plaintiff for costs.

Lewis Brandenburg et al. vs. Washington Savings and Loan Association. Receiver appointed. Receiver authorized to compromise suit of Marion Trust Company, receiver, vs. Josephine Henderson, divorce. Submitted to court. Evidence heard. Judgment under advisement.

CRIMINAL COURT.

—Minutes—

Daniel L. Groves. Profratancy. Appeal from Justice Pentecost. Motion to quash sustained. Roy Holby. Petit larceny. Finding guilty. Age nine years. Committed to Reform School for Boys.

NEW SUITS FILED.

Martha Bray vs. Adelbert Bray; support. Circuit Court. James L. Sharkey vs. Indiana, Decatur & Western Railway Company; damages. Superior Court, Room 2. Carrie Murphy vs. James J. Murphy; divorce. Superior Court, Room 2. Adelaide G. Dale vs. Charles A. Dale; divorce. Superior Court, Room 2. Sarah E. Stephens vs. Thomas M. McKee et al.; on note. Superior Court, Room 2. The State Bank of Indiana vs. William F. Kuhn et al.; on note. Circuit Court.

RECENT LEGAL OPINIONS.

—Breath of Promise—Damages—

A man who had a divorced wife living, engaged himself to marry another woman, and by mutual consent, because of religious scruples, it was agreed to postpone the marriage until the divorced wife, who was represented to be in poor health, and not likely to live long, should die. Before the event took place, he married a third woman, and the second one brought suit against him for breach of promise. It was held that a contract to marry after the death of the divorced wife of one of the parties is reasonably certain with respect to the time of the performance, since it is made to depend upon an event which, in the course of nature, must inevitably take place. It was also held that a verdict of \$2,500 is not excessive, where the defendant has represented that he is worth \$10,000. (22 L. R. A. 661.)

—Illegitimate Children—

An illegitimate child, whose parents, before his death, intermarried and have other children, and whose father has adopted him into his family and so acknowledged him, shall be counted among the legitimate child.

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